

Dismissal

1. If you have a student who has met his/her goals and can maintain in the general education classroom, do you need to do a comprehensive evaluation in order to dismiss the student from services?

Each school district shall follow the evaluation procedures when reevaluating a student for the additional purposes of:

- (1) Determining whether the child continues to have a disability and determining the educational needs of the child...
- (2) Determining whether the child continues to need special education and related services...

Evaluation procedures need to be initiated at any point in time when the student is considered to no longer be a student with a disability requiring special education and related services. Dismissal procedure can be found in the document appendix at <http://doe.sd.gov/oess/specialed/IEP/IEPPProcessTAGuide8.22.07.pdf>

2. If the child is eligible for special education and receives related services, do they need to evaluate to dismiss from related services?

Evaluation procedures need to be implemented if the student has met the goals leading to the related service and the entire service is to be eliminated from the student program. Evaluation does not need to occur if the team is only changing the service provided, however, to change or discontinue service providers, the IEP amendment process must be followed. For example, the IEP team developed an annual goal addressing the student's gross motor issues. At the time of the IEP meeting, the physical education teacher was assigned as person responsible for implementing the goal. The team also decided, since the criteria was met for physical therapy that the physical therapist would also be assigned to implement the goal. Due to the student's progress, it was recommended to discontinue the physical therapist's services but the physical education teacher would continue to implement the goals. This resulted in a change of service providers not a discontinuation of service.

3. If a student with a SLD qualifies in basic reading, math, and written expression, but then the student meets his/her written expression goals, do I have to evaluate all three areas?

The IEP team would need to amend the IEP to add a new goal in the area of written expression until such time the student's skill level is appropriate to their age/grade level. Reevaluation would not be necessary until the next 3 year reevaluation is due.

4. When dismissing from speech/language, occupational therapy, and/or physical therapy, does one have to reevaluate? Does it have to be a standardized or a functional evaluation for a dismissal? Does one have to write a report summarizing the evaluation results for a dismissal IEP meeting?

The need to reevaluate is addressed in question number two above. If the district evaluation team decides to administer new evaluations they must meet the requirements outlined in [“Determining Eligibility for Special Education in South Dakota”](#). If no additional data are needed to determine continuing eligibility and the child's educational needs, the district shall notify the parents of that determination (prior notice) and reasons for it. Parents may request that a complete evaluation be administered to determine continued eligibility. A school district must follow the evaluation procedures before determining that the child is no longer a child with a disability. Due to South Dakota's eligibility criteria, it would seem necessary to gather current achievement (standardized and functional) data in order to meet the requirements of determining eligibility and developing the IEP.

5. When the district is considering dismissal of a student from Special Education services, what do you do if the parent does not want their child to go through all the testing?

A parent may refuse or withdraw consent in writing at any time. The district may but is not required to use the due process or complaint proceeding to pursue consent. A parent may choose to withdraw consent for services by signing in the appropriate location on the cover sheet of the IEP.

6. Do you dismiss a student from Special education following a reevaluation and the student is no longer eligible? Can you monitor a student after you have dismissed them from services?

If the evaluation results indicate the student does not meet the eligibility criteria for South Dakota, they must be dismissed from special education unless the team can determine the evaluation result were invalid and implement the override provision.

After dismissal, general education staff should continue to monitor the student's progress and implement the accommodations/modifications that assisted in the success of the student. The student cannot be placed on a monitoring IEP or on child count.